



May 19, 2008

Senator Patrick J. Leahy
433 Russell Building
Washington, DC 20510

Dear Senator Leahy:

The American Health Information Management Association (AHIMA) and the American Medical Informatics Association (AMIA) support your most recent privacy amendment draft for S. 1693, the “Wired for Health Care Quality Act.” Your amendment proposes constructive mechanisms that enable the forward movement of health information technology legislation by addressing privacy and confidentiality issues that have troubled Congress and other policymakers for years.

As we express our support for your amendment, we also want to note a concern that our organizations share with regard to the following provision in your legislative language:

- Definition of the Personal Health Record (PHR): AHIMA and AMIA are concerned that your definition of the PHR is limited to “...an entity that is not a covered entity under HIPAA.” We believe that the definition of a PHR needs to be standardized across the industry. A standardized definition leads to standard rights and responsibilities and reduces the confusion for consumers interacting with PHRs. AHIMA and AMIA therefore recommend deleting the language that states “...*that is not a covered entity under HIPAA.*” We do not believe this would impact HIPAA’s coverage of PHRs offered by covered entities. AHIMA has been very actively promoting consumer use of PHRs through a public education campaign and for further information, you can visit www.myphr.com.

In addition, AHIMA and AMIA agree that electronic access is a laudable goal for our emerging electronic health information environment. We certainly support enabling patients to access their information in ways that are useful and convenient to them. Unfortunately, as the environment continues to evolve, electronic access in many instances is a costly administrative burden because many organizations are at varying degrees of “electronic.” Their individual organizational situations determine what is specifically possible—paper, scanned paper or digital. In regard to the “right of individuals to electronic access”, we believe that your language qualifying electronic access “to the extent feasible” is appropriate and necessary, and recognizes the current capabilities of health information systems.

Senator, the members of our two associations are truly on the front lines of implementing electronic health records and health information technology. AHIMA is the premier association of over 53,000 health information management (HIM) professionals whose members are dedicated to the effective management of the personal health information needed to deliver

quality healthcare to the public. Founded 80 years ago to improve the quality of medical records, AHIMA is committed to advancing the health information management profession in an increasingly electronic and global environment through leadership in advocacy, education, certification, and lifelong learning. For additional information, you can visit www.ahima.org.

With over 4,000 physicians, nurses and other informaticians, AMIA is the premier organization in the United States dedicated to the development and application of medical informatics in the support of patient care, teaching, research and healthcare administration. AMIA links developers and users of health information technology, creating an environment that fosters advances that revolutionize healthcare. To learn more, you can visit www.amia.org.

Thank you for your thoughtful development of this amendment. If AHIMA or AMIA can provide any assistance, please do not hesitate to contact AHIMA's Director of Government Relations, Don Asmonga, in the AHIMA Washington Office at Don.Asmonga@ahima.org or at 202-659-9440. AMIA's policy representative Doug Peddicord, PhD, can be reached at doug.peddicord@whaonline.org or 202-659-9440.

Sincerely,



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